

REMARKS

Drawings

The drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they did not include reference number "34" which was mentioned in the written specification. Element 34 identifies the pull tab formed on the lip 30 of the flow diverting weir of the invention to permit easy removal from the skimmer face plate. Numeral 34 has been added to Figs. 1 and 3 as well as to Fig. 5. Element 32 appearing in Figs. 1 and 3 incorrectly identified the pull tab. The proposed changes are marked in red. Element 32 actually is a lip detent shown in Fig. 4 which enables the flexible lip means of the weir to lockably engage with the upstanding flange of the skimmer face plate. Approval of these amendments to the drawings is respectfully requested.

Claims

Claims 1 and 2 are presently pending in the application. Claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,490,923 to Penney. The Examiner contends that Penney discloses a skimmer face plate with a rectangularly shaped frame-like structure 12 and an upstanding flange around an outer periphery thereof, a flow diverting weir for attachment to a face plate of a skimmer of a swimming pool comprising an enclosed scoop member 18 having an opening on one side to allow entry of water from a pool into the skimmer. The Examiner contends that the scoop member of Penney includes a lower peripheral edge which carries flexible lip means for attachment to the skimmer face plate, citing Fig. 1, the scoop member further including a top surface carrying slot means 88 and an elongated hose 48 removably received in the slot means, and the hose adapted to extend outwardly into the pool to divert an additional surface flow of pool water into the scoop member and skimmer. The Examiner notes that Penney does not explicitly disclose a paddle received in the slot but submits that it is conventional in the art to use a paddle to divert water into a skimmer. Accordingly, the Examiner concluded that the invention as defined in the pending claims 1 and 2 is obvious over Penney.

The Examiner's reconsideration is respectfully requested in light of the amendments made to the claims taken with the following remarks. Applicant's invention is directed to a flow diverting weir which easily attaches to a skimmer face plate surrounding a skimmer opening in a swimming pool. Likewise, the flow diverting weir

can be easily detached from the face plate. The flow diverting weir comprises an enclosed scoop member having an opening on one side to allow entry of water from the pool into the skimmer opening. The scoop member of the invention further includes a lower peripheral edge which carries a flexible lip means around its perimeter for attachment to an upstanding peripheral flange carried by the skimmer face plate. In this manner, the flow diverting weir easily snaps onto the peripheral flange for attachment to the face plate. The scoop member further includes a surface carrying slot means to receive an elongated paddle which is received in the slot means. The paddle extends outwardly into the pool to divert additional flow of pool water into the scoop member and the skimmer opening. The paddle can be easily removed from the scoop member when people are using the pool so as not to interfere therewith.

Clearly, Penney does not disclose a flow diverting weir as presently claimed. The one major difference between the device of Penney and that of the present invention is that Penney does not disclose or suggest a flow diverting weir having a lower peripheral edge which carries a flexible lip for attachment to an upstanding peripheral flange carried by the skimmer face plate. The device of Penney as shown in Fig. 13 and described in column 7, lines 42-57, is attached to the pool sidewall 60 to the outside of the skimmer weir 59 by way of a complex mechanical attachment means 61 which includes two threaded rods 62 and 63 interconnected by an internally threaded tube 64. The total length of the attachment means is varied by turning the rods 62, 63 outwardly from the tube 64. The attachment means 61 of Penney further includes a transverse protrusion 65 at its one end and a wing-nut 66 at its other end. A stiff plastic tube 67 is provided adjacent the wing-nut 66 with the rod 63 extending transversely through the tube 67. A washer or nut 68 may be located between the wing-nut 66 and the tube 67. See, also, Fig. 1.

It is, therefore, apparent that the device of Penney does not disclose or suggest the attachment means carried by the present invention, namely, a flow diverting weir having flexible lip means for attachment to a skimmer face plate which carries an upstanding flange around an outer periphery thereof which engages the flexible lip means of the flow diverting weir. Contrary to what the Examiner has stated, Penney does not disclose an upstanding flange around an outer periphery of the flow diverting weir for attachment to flexible lip means carried by the face plate of the skimmer.

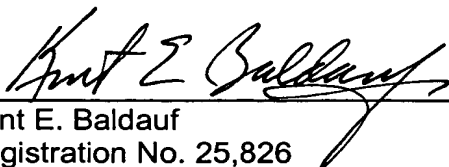
Indeed, Penney does not even disclose or show in any of its drawings a skimmer face plate.

The only flanges or grooves shown in the Penney reference are vertical grooves 116 and 118 in Fig. 1 which, as described in col. 7, lines 5 and following, are adapted to receive the parallel side edges 112 and 114 of a movable weir plate 102 shown in Fig. 9. The weir plate can be moved upwardly or downwardly within the grooves 116 and 118. The cross section of the skimmer 10 shown in Fig. 3 of Penney merely shows a plurality of strengthening ribs 38.1 - 38.7 which do not engage any other elements for attachment purposes. Clearly, the device of Penney is many times more complicated and complex than the presently-claimed flow diverting weir of the present invention and does not teach the attachment structure of the claimed invention.

It is also clear that the hose 48 of Penney is not similar to or equatable to the detachable paddle flow diverting extension of the present invention. In fact, the flexible hose 48 appears to be a permanent attachment to the Penney device. Penney discloses at column 3, lines 29-35, that the hose 48 is a cleaning element known in the pool trade as a "Kreepy Krauly" or "Baracuda", which are used to continuously clean swimming pools and well-known in the trade.

The present claims define a simple flow diverter device which is easily attached and detached to a flanged skimmer face plate that is not taught or suggested by the prior art of record. The Examiner's reconsideration and favorable action with respect to claims 1 and 2 are requested.

Respectfully submitted,
THE WEBB LAW FIRM

By 
Kent E. Baldauf
Registration No. 25,826
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219-1845
Telephone: 412-471-8815
Facsimile: 412-471-4094

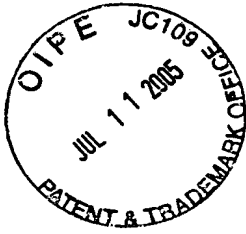
Appl. No. 10/768,992
Amdt. dated July 7, 2005
Reply to Office Action of 4/08/2005
Attorney Docket No. 1169-040231

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1, 3 and 5. Figures 1 and 3 have been amended to correct element "32" to read --34--. Element "34" has been added to Figure 5.

Attachments: Replacement Sheets

Annotated Copies Showing Changes



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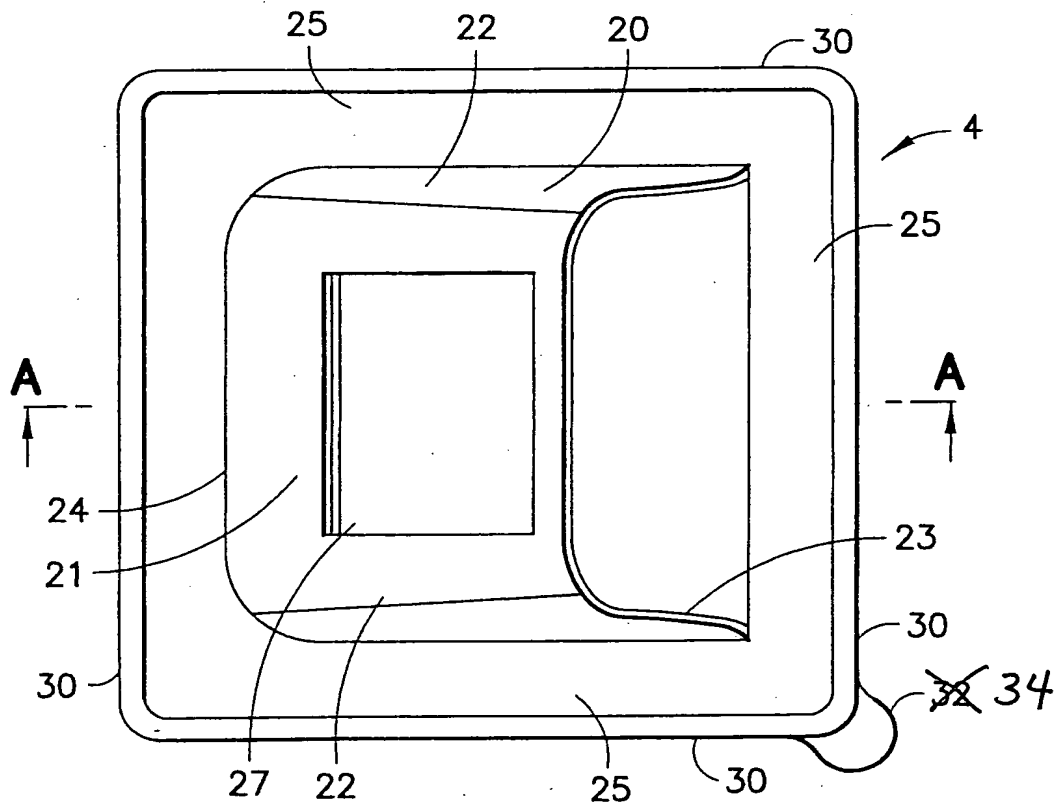


FIG. 1

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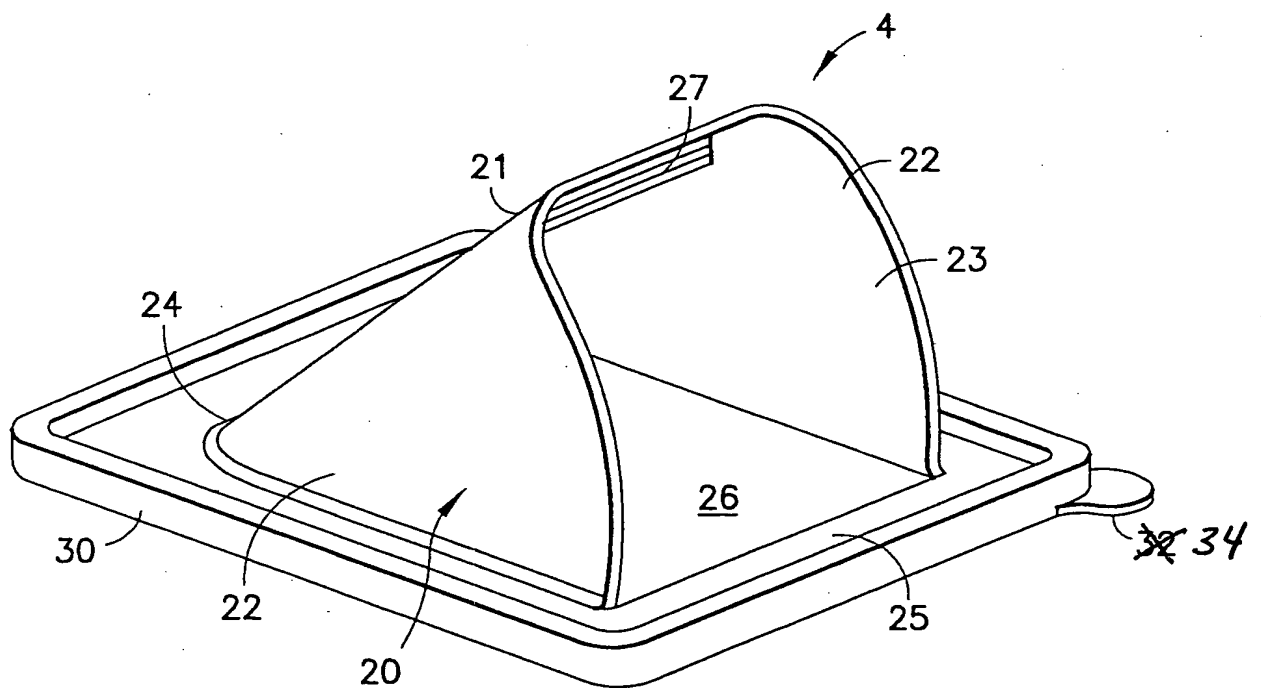


FIG.3

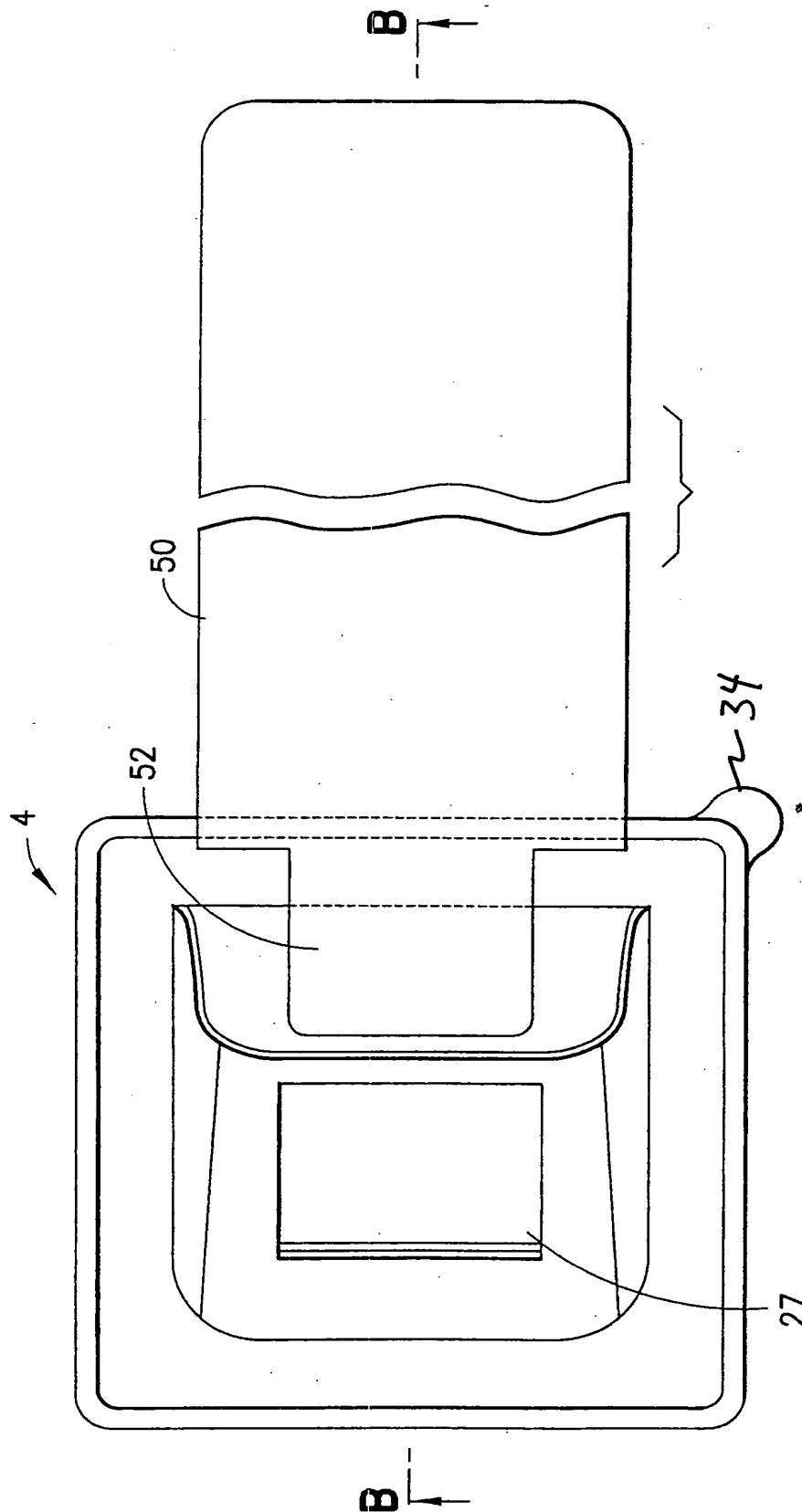


FIG. 5